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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HARBECK, TIMOTHY M

ART UNIT

PAPER NUMBER

3692

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/976,443	Applicant(s) SLOAN ET AL.	
	Examiner Timothy M. Harbeck	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/15/2006</u> , <u>05/01/2004</u> | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/24/2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-26, 28-33, 35-38, and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran (US Pat 6,430,542) in view of Atkins (US Pat 4,953,085) in view of Killeen, Jr. et al (hereinafter Killeen US 6,324,523 B1).

Re Claims 25,32 and 37: Moran discloses a method, system and computer program for providing automated coaching for a financial modeling and counseling system over a network to a user comprising;

- Inputting personal financial data of the user (Col 11, lines 41-43)
- Inputting user preferences (Claims 1-6)
- Inputting user financial goals (Col 11, lines 45-46)
- Inputting external financial market data (Claims 1-6)

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- Processing the personal financial data, the external financial market data, the user outputting automated coaching advice presented in a natural language format, wherein the automated coaching advice includes a proposed product configuration formulated to comply the user preferences and the user financial goals; and a projection of an effect of the proposed product configuration on attaining the user financial goals (method steps of Figs 3-39); wherein part of the personal financial data includes an aggregated cash flow model, an investment target value, a target date for achieving financial user financial goals (fig 42).

Moran does not disclose

- Wherein the coaching device is directed to the user and based on the personal financial data preferences and financial goals of the user and;
- Wherein the proposed product configuration includes recommended securities for the user to purchase from a larger set of securities
- Selecting based on user preferences, a type of product configuration and an amount of coaching advice from a plurality of available service levels wherein the plurality of available service levels each include a unique combination of type of product configuration and amount of coaching advice.

Atkins discloses a system for the operation of a financial account for effecting an improved personal financial management program. Atkins discloses, "through a mathematical programming function the client specifies his financial objectives, a

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forecast of economic and financial variables, risk preference and the budgetary constraints to which he is subject. The mathematical programming function suggests investments and credit facilities to the client to best realize his financial objectives (Col 1 line 67-Col 2 line 5)." It would have been obvious to someone skilled in the ordinary art at the time of invention to include the teachings of Atkins to the system of Moran to allow an individual to have complete control and authority of their investments while still receiving outside advice. In this manner, an individual would not need to hire a professional financial advisor, thereby saving money, but could still receive assistance with their investments.

Killeen discloses selecting based on user preferences (amount of assets), a type of product configuration and an amount of coaching advice from a plurality of available service levels (see Table 1; "Service Entitlement Summary) wherein the plurality of available service levels each include a unique combination of type of product configuration and amount of coaching advice (See service levels, bronze, silver, gold, platinum, platinum plus). It would have been obvious to a person of ordinary skill in the art at the time of invention to include the teachings of Killeen to the disclosure of Moran to provide an alternative account tracking and record keeping mechanism that coordinates a plurality of financial services with an asset-based fee alternative to traditional commission-based pricing.

Re Claims 26,33 and 38: Moran further discloses a method, system and computer program wherein part of the personal financial data includes an aggregate

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cash flow model, an investment value, a target date for achieving financial user financial goals, or an investment portfolio (see abstract).

Re Claims 28, 35 and 40: Moran further discloses a method, system and computer program wherein the automated coaching advice in natural language format is an interpretation of numerical data (Col 25, lines 52-55):

Re Claim 29: Moran further discloses a method wherein the user preferences include a risk tolerance, an investment style or a market attitudes (see Fig 30, 87).

Re Claim 30: Moran further discloses a method wherein the user goals include retirement, purchasing a house, purchasing a car, going on vacation, or paying for college (Fig 18).

Re Claims 31, 36 and 41: Moran further discloses a method, system and computer program wherein the automated coaching advice provides live coaching over the network (Col 2, lines 16-19).

Claims 27, 34 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran in view of Atkins in view of Killeen as applied to claims 25, 32 and 37 above respectively, and further in view of Maggioncalda et al. (hereinafter Maggioncalda US Pat 5,918,217).

Re Claims 27,34 and 39: Moran in view of Atkins in view of Killeen discloses the claimed method, system and computer program of claims 25, 32 and 37 respectively but does not disclose wherein the financial market data includes values of various indices, performance history of various securities, or prices of various securities.

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Maggioncalda discloses wherein the financial market data includes various market benchmark indices, performance history of various securities (i.e. volatility), or prices of various securities (see abstract). It would have been obvious to someone skilled in the ordinary art at the time of invention to modify the method, system and computer program of Moran in view of Atkins by adapting the teaching of Maggioncalda to provide the user with a more complete view of the financial market data and therefore give them a better understanding of investment opportunities.

Response to Arguments

Applicant's arguments with respect to claims 25-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



RICHARD E. CHILCOTE, JR.
SUPERVISORY PATENT EXAMINER